

REMARKS

Present Status of the Application

It is noted with great appreciation that the Examiner deems Claims 21-30 are allowable over the prior art of record, and Claims 4, 9, 13 and 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Accordingly, Applicant amended claim 10 to include all of the limitations of Claim 18 and canceled Claim 18. After entry of the amendments to claim 10, it is believed that Claims 10-17 and 19-10 are in proper condition for allowance. Reconsideration is respectfully requested.

For at least the following reasons, Applicant respectfully submits that claims 1-17 and 19-30 are in proper condition for allowance. Reconsideration is respectfully requested.

Discussion of claim rejections

Response to Rejection under 35 U.S.C. 102

1. The Office rejected claims 1, 5-7, 10 and 14-16 under 35 U.S.C. 102(e), as being anticipated by Lee et al. (US-6,406,973, hereinafter Lee).

Applicant respectfully disagrees and traverses the above rejections as set forth below. It is well established that in order for a claim to be anticipated under 35 U.S.C. 102, each and every elements of the claim must be disclosed exactly by a single prior art reference. Independent claim 1 (and claim 10) is allowable for at least the reason that Lee substantially fails to teach or disclose every features of the claimed invention. More specifically, Lee fails to teach or disclose at least a step of forming an elevated SiGe source/drain layer on the source/drain with a shallow junction, as required by claim 1 (and claim 10). Instead, Lee substantially discloses in col. 4, lines 49-50, FIG. 2E, [an ion implantation process for forming source/drain after forming the elevated SiGe layer 30]. Accordingly, Applicant respectfully submit that Lee cannot possibly anticipate Claim 1 in this regard and therefore should be allowed.

For at least the foregoing reason, Applicant respectfully submits that Claims 1 and 5-7 patently define over Lee and therefore claims 1 and 5-7 should be allowed.

Further, Applicant respectfully submit that Claim 10 has been amended to include all of the limitations of claim 18, which is deemed allowable subject matter by the Examiner, and canceled claim 18 without prejudice or disclaimer. Accordingly, after entry of the amendments to claim 10, it is believed that claim 10 is in proper condition for allowance. Reconsideration is respectfully requested. For at least the foregoing reason, Claims 10, and 14-16 patently define over Lee and therefore Claims 10, 14-16 should be allowed. Reconsideration and withdrawal of the above rejections is respectfully requested.

For at least the foregoing reason, Applicant respectfully submits that Claims 1, 5-7, 10 and 14-16 patently define over Lee. Reconsideration and withdrawal of these rejections is respectfully requested.

Response to Rejections under 35 U.S.C. 103

2. *The Office Action rejected claims 2, 3, 11 and 12 under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Chu et al. (US-6,426,265, hereinafter Chu).*

Applicant respectfully disagrees and would like to point out that even though the Office Action relied upon Chu to disclose the RTCVD process, still Chu cannot cure the specific deficiencies of Lee for at least the reasons as substantially discussed above. Accordingly, Applicant respectfully submits that no combination of Lee and Chu in a manner suggested by the Office Action could possibly render the claimed invention in this regard. For at least the foregoing reason, Applicants respectfully submits that claims 2, 3, 11 and 12 patently define over Lee and Chu, and therefore Claims 2, 3 11 and 12 should be allowed. Reconsideration and withdrawal of these rejections is respectfully requested.

3. *The Office Action rejected claims 8 and 17 under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Yeo et al. (US-6,492,216, hereinafter Yeo).*

Applicant respectfully disagrees and would like to point out that even though the Office Action relied upon Yeo to disclose the metal silicide of cobalt silicide or nickel silicide, still Yeo cannot cure the specific deficiencies of Lee for at least the reasons as substantially discussed above. Accordingly, Applicant respectfully submits that no combination of Lee and Yeo in a manner suggested by the Office Action could possibly render the claimed invention in this regard. For at least the foregoing reason, Applicants respectfully submits that claims 8 and 17 patently define over Lee and Yeo, and therefore Claims 8 and 17 should be allowed. Reconsideration and withdrawal of these rejections is respectfully requested.

Customer No.: 31561
Application No.: 10/064,561
Docket No.: JCLA9167

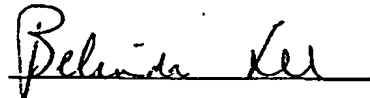
CONCLUSION

For at least the foregoing reasons, it is believed that all pending claims 1-17 and 19-30 are in proper condition for allowance. If the Examiner believes that a conference would be of value in expediting the prosecution of this application, he is cordially invited to telephone the undersigned counsel to arrange for such a conference.

Respectfully submitted,

Date :

November 4, 2003



Belinda Lee

Registration No.: 46,863

Jiang Chyun Intellectual Property Office
7th Floor-1, No. 100
Roosevelt Road, Section 2
Taipei, 100
Taiwan
Tel: 011-886-2-2369-2800
Fax: 011-886-2-2369-7233
Email: belinda@jicgroup.com.tw
Usa@jicgroup.com.tw